

REMARKS

This is in full and timely response to the Office Action of July 26, 2005 for the above-identified application. A Petition to Extend Time to Within the First Month accompanies this submission. The present Amendment amends claims 1 and 3-7 and cancels claim 2, combining the subject matter of claim 2 into claim 1, in order to further clarify a portion of the scope sought to be patented, and to otherwise dispute certain findings of fact made in connection with the rejection of the claims. Support for these amendments can be found variously throughout the specification. No new matter has been added. Accordingly, claims 1 and 3-7 are presently pending in the application, each of which is believed to be in condition for allowance. Reexamination and reconsideration in light of the present Amendment and the following remarks are respectfully requested.

Claim to Priority

Acknowledgement of the proper receipt of the certified formal papers filed in connection with Applicant's claim to priority under 35 U.S.C. § 119(a)-(d) is noted with appreciation.

Claim Rejections – 35 U.S.C. § 112

In the Action, claim 2 was rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. Applicant respectfully traverses this rejection. However, in order to expedite prosecution, the wording of the claim has been amended to clarify the subject matter. Claim 2 has been canceled, and the subject matter of the claim has been incorporated into claim 1. Withdrawal of this rejection is therefore courteously solicited.

Claim Rejections - 35 U.S.C. § 102

In the action, claims 1, 4, 5 and 7 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by a U.S. patent to Dhindsa et al. (U.S. No. 6,245,192). The subject matter of claim 2 is herein combined with claim 1, and claim 2 is canceled. Accordingly, claim 1 is no longer anticipated by the subject matter of Dhindsa.

Claims 4, 5 and 7 depend from claim 1. By virtue of this dependency, Applicant submits that claims 4, 5 and 7 are not anticipated for at least the same reasons given above with respect to claim 1.

Applicant respectfully requests, therefore, that the rejection of claims 1, 4, 5 and 7 under 35 U.S.C. § 102(b) be withdrawn, and these claims be allowed.

Claim Rejections – 35 U.S.C. § 103

In the Action, claim 2 (presently combined with claim 1) was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. patent to Dhindsa et al. (U.S. No. 6,245,192) in view of patent to Umotoy et al. (U.S. No. 6,245,192). This rejection, to the extent it may be applicable to amended claim 1 is respectfully traversed.

The disclosure contained in Umotoy does not disclose a series of baffles, but rather one plate on which there is a pattern of apertures. The apertures are distributed over the plate with the aperture density increasing in an outward radial direction. In contrast, the present invention discloses apertures that increase in density (number of apertures), not radially, but by barrier, with the density increasing from the barrier furthest from the gas supply port to the barrier closest to the gas supply port. Additionally, none of the cited prior art indicates a change in aperture size between baffles, which is a specific element of claim 2 of the present invention.

Accordingly, Dhindsa and Umotoy, either alone or in combination, fail to disclose, teach or suggest each and every limitation of claim 1 (containing the subject matter of canceled claim 2), and therefore a *prima facie* case of obviousness has not been established, and withdrawal of this rejection is respectfully requested. *See, e.g., In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *accord*. MPEP 2143.03.

Moreover, nothing in Dhindsa suggests its modification according to Umotoy, or vice versa.

Even if proper, though, Claim 3 and 6 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dhindsa et al. (U.S. No. 6,245,192) in view of, respectively, Rudolph et al (U.S. No. 5,853,485) and Hayashi et al. (U.S. No. 5,578,130). Applicant submits that claims 3 and 6 are allowable for at least the same reasons given above with respect to amended claim 1. Applicant respectfully requests, therefore, that the rejection of claims 3 and 6 be withdrawn, and these claims be allowed.

Conclusion

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2829 from which the undersigned is authorized to draw.

Dated: November 15, 2005

Respectfully submitted,

By _____

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